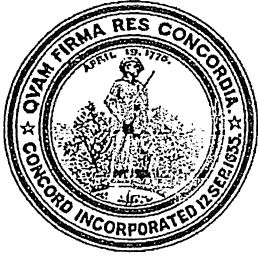


Town of Concord  
 Zoning Board of Appeals  
 141 Keyes Road  
 Concord, MA 01742  
 Tel: (978) 318-3295  
 www.concordma.gov  
 Rev. July 2019



# Zoning Board of Appeals Application

Nonconforming Use and/or Structure

Town Use Only

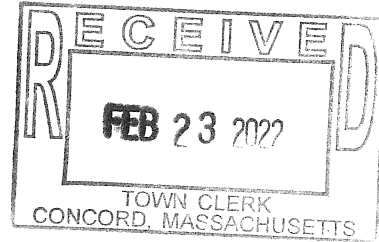
Received by Clerk of the Board:

Town Clerk Stamped Received

RECEIVED

FEB 23 2022

Town of Concord  
 Board of Appeals



Application Fee: \_\_\_\_\_

Hearing Date: \_\_\_\_\_

## 1 Application Information

This Application is for:  Special Permit     Variance  
 Appeal from a decision of the Building Inspector/Zoning Enforcement Officer

Sections of the Zoning Bylaw Applicable to Application: 7.1.3, 11.6

The proposal extends a pre-existing non-conforming structure. The structure is a demolished barn. The barn has a front set back of 21.3 feet where 40 feet is required. The expansion does not create any additional nonconformities. The expansion does not increase the front setback nonconformity.

## 2 Property Information

Address: 309 Strawberry Hill Road	Parcel ID #: 1984-7-2
Zoning District: Residential AA	Total Land Area: 85,627 S.F.
Present Use: Accessory Barn	Lot Frontage: 443.28
Proposed Use: Accessory Barn	Deed Book & Page #: 57228 / 86

Check all Applicable:

- |   |  |
|---|--|
| <input type="checkbox"/> Historic District                | <input type="checkbox"/> White Pond Advisory Area            |
| <input type="checkbox"/> Wetlands Conservancy District    | <input type="checkbox"/> Wireless Overlay District           |
| <input type="checkbox"/> Flood Plain Conservancy District | <input checked="" type="checkbox"/> 100' Wetland Buffer Zone |
| <input type="checkbox"/> Groundwater Conservancy District | <input type="checkbox"/> 200' River's Act Area               |

## 3 Building Inspections Division Review

Total Existing Gross Floor Area: 3,409 SF	Total Proposed Gross Floor Area: 3,585 SF
MAX Floor Area Allowed:	MAX GFA Allowed by Right: 5,114

To avoid project delays, this Application and all supporting documentation should be reviewed by a Concord Building Inspector prior to filing with the Town Clerk. It is the Applicant's responsibility to schedule an appointment to meet with a Building Inspector at least two weeks before the application submission deadline. Incomplete applications will not be signed by a Building Inspector.

This completed Application has been reviewed by a Concord Building Inspector.

Signature of Building Inspector: *Ray Matte*

Date: 2/18/22





There is nothing implicit in the meaning of the term, or its use in the by-law, that excludes reconstructing a structure at a different site.

Thus, voluntary demolition of a nonconforming structure qualifies as “reconstruction” under the statute.

The reconstruction of a pre-existing nonconforming structure via a special permit is authorized by Section 7.1.3. of the Concord Zoning Bylaws. Section 7.1.3 provides in relevant:

The following types of changes to nonconforming structures may be considered by the Board: (a) Reconstructed, extended or structurally changed; (b) Altered to provide for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent.

Section 7.1.3. of the Concord Zoning Bylaw governs expansions, reconstructions, alterations, or changes to nonconforming structures. Section 7.1.3. states:

The Board may grant a special permit to reconstruct, extend, alter, or change a nonconforming structure in accordance with this section only if it determines that such reconstruction, extension, alteration, or change shall not be substantially more detrimental than the existing nonconforming structure to the neighborhood.

The Applicants propose a 976 square foot garage which is an expansion of 176 square feet to the pre-existing barn.<sup>2</sup> The expansion does not create any additional nonconformities, nor does it increase any existing nonconformities. The proposed garage’s expansion is located on the northeast side of the prior barn. The impacts of the expansion will be insignificant. This modest expansion will have a di minis impact on the surrounding neighborhood.

We look forward to working with the board. Thank you for your attention to these matters.

Very truly yours,



Christopher J. Alphen, Esq.

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<sup>2</sup> The prior existing barn contained 976 square feet.